

REMARKS

In response to the Office Action dated January 30, 2004, Applicants respectfully request reconsideration based on the above amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-3, 5-16, 20-22, 24-41, 43-50, 52 and 54-59 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al., US Patent 6,014,427 (hereinafter "Hanson") in view of Bartholomew, US Patent 6,285,745 (hereinafter "Bartholomew") and further in view of Creswell et al., US Patent 5,544,229 (hereinafter "Creswell") for the reasons stated on pages 4-10 of the Office Action. Since claims 6, 25 and 44 have been canceled without prejudice, the rejection of claims 6, 25 and 44 is moot.

Claim 1 recites a first voicemail mail box associated with a subscriber of a voicemail message system and a temporary voicemail mailbox accessible by a non-subscriber of the voicemail messaging system. Considering the specification of the Application, for example, the paragraph [0015] or [0019] of the specification, the method of claim 1 provides an asymmetric dialog between two parties by using a temporary voicemail box even when the original caller is not a subscriber to a voicemail service without using additional services such as caller-ID. That is, the "temporary" voicemail box, in claim 1, is not the regular voicemail box, which requires a subscription for a use, but a voicemail box, which is used for the asymmetric dialog and is accessed by any user, even non-subscriber to the voicemail system.

Hanson fails to teach or suggest a temporary voicemail mail box and the Examiner reasons that while Hanson does not specifically teach that the voicemail box is a "temporary" voicemail box, it would have been obvious if not inherent that Hanson has a "temporary" voicemail box since Hanson does not state that the voicemail box is permanent. The Examiner also relies on Bartholomew for teaching a temporary mailbox and proposes combining Bartholomew with Hanson. Applicants submit that there is insufficient motivation to use a temporary voicemail mailbox in Hanson that is accessible by a non-subscriber.

In Hanson, a recipient of a message can respond using a number of responses. One type of predefined response is a voice mail response which is sent back to the sender

of the initial message. This is referenced as a type 4 response and is routed to the original sender's mailbox along with a prepaid designation. As described by Hanson, "action type 4, the prepaid reply, offers the action message recipient a chance to record a return message at the expense of the original message creator. Such a choice may be particularly desirable, for example, in the context of commercial solicitations for customer opinions. Those skilled in the art will also recognize that such prepaid replies may be desirable for games and contest applications, or for customer feedback about a new product, for example." See column 7, lines 17-24. Thus, as described by Hanson, the sender of the initial message must prepay for the reply. Although not explicitly discussed in Hanson, if the sender of the original message must prepay for a reply, then the sender must be a subscriber. It is not clear how a non-subscriber could prepay for responses. Accordingly, Hanson fails to teach or suggest a temporary mailbox accessible by a non-subscriber because for voicemail responses, the sender must be a subscriber.

Further, there is no motivation to alter Hanson to include a temporary voicemail mailbox accessible by a non-subscriber. To create a temporary mailbox that is accessible by a non-subscriber in Hanson would eliminate the ability to allow a sender of an initial message to prepay for a response. This is contrary to the express teachings of Hanson which characterizes this feature as "particularly desirable." Thus, there is insufficient motivation to modify Hanson to include a temporary mailbox. To do so would be contrary to the teachings of Hanson. Accordingly, the Examiner has failed to establish a *prima facie* obviousness rejection.

For the above reasons, claim 1 is patentable over Hanson, Bartholomew and Creswell. Since they contain similar features, claims 20 and 39 are believed to be patentable over the combination of Hanson, Bartholomew and Creswell. Claims 2-3, 5 and 7-16 depend from claim 1, claims 21-22, 24 and 26-38 depend from claim 20, and claims 40-41, 43, 45-50, 52 and 54-59 depend from claim 39. Thus, these dependent claims are believed to be allowable due to their dependencies on claims 1, 20 and 39.

Claims 17-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Picard et al., U.S. Patent No. 6,233,318 (hereinafter "Picard") in view of Creswell for the reasons stated on pages 2-3 of the Office Action. Since claim 18 has been canceled without prejudice, the rejection of claim 18 is moot.

Claim 17 has been amended to include features similar to those recited in claim 1, namely a temporary mailbox accessible by a non-subscriber in order to establish asynchronous dialog. Neither Picard nor Creswell teaches or suggests the features of claim 17, and thus claim 17 is patentable over Picard and Creswell. Claim 19 depends from claim 17, thus is believed to be allowable due to its dependency on claim 17.

Claims 51 and 53 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson in view of Bartholomew and Creswell and further in view of LaPorta et al., US Patent 6,014,429 (hereinafter "LaPorta") for the reasons stated on page 11 of the Office Action.

LaPorta was cited for teaching MTSO and PDA functionality but does not cure the deficiencies of the combination of Hanson, Bartholomew and Creswell. The combination of Hanson, Bartholomew, Creswell and LaPorta does not render claim 39 obvious. Claims 51 and 53 depend from claim 39, thus are believed to be allowable due to their dependencies on claim 39.

In view of the foregoing remarks, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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Date: March 23, 2004